



US EPA RECORDS CENTER REGION 5



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ATTORNEY GENERAL
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SPRINGFIELD

January 21, 1971

Mr. John H. Bickley, Jr., Acting Chief
Air-Water Pollution Control Division
Suite 2300, 188 West Randolph Street
Chicago, Illinois 60601

Dear Mr. Bickley:

In your note of December 30, you told me you were "breathlessly awaiting Chapter Two of the Peoria Saga of the Pollution Division". You will be glad to know that Chapter Two is about to be unfolded and the trial of the Janson Dump case will probably make local legal history, if not Time Magazine.

On December 30, the attorneys in the case, including yours truly, appeared before Judge Albert Pucci, who has now been irrevocably assigned to this case, for a pre-trial conference.

The net result was that Judge Pucci permitted Attorney Reynolds, representing Janson, time to take depositions and prepare his defense, as Reynolds told him he wanted to do. Judge Pucci also told him that if he didn't exercise his right of discovery, after stating that he wanted to, he would hold him in contempt of court! So far, Reynolds has not notified us of any discovery depositions or other procedures which he then said he wanted to use.

After permitting the defendant time to discover, Judge Pucci set the trial of this case for Tuesday, February 16 at 9:30 AM, before him, and gave us to understand that there would be no continuances and there would be no excuses and that short of a natural catastrophe, this case would be tried to a conclusion, even if it took two weeks.

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Judge Pucci also indicated that he would not look favorably upon penalty provisions, and it would take a lot of convincing for him to impose any money judgment upon Mr. Janson. He also indicated, however, that he felt that an injunction order would solve the whole matter and I'm reasonably confident that he will either close the dump or put it under severe and specific restrictions.

We also talked about the ground rules of the trial, with reference to violations prior to the adoption of the Environmental Protection Act, testimony relating to the prior injunction case brought against Janson by the States Attorney of Peoria County, vintage 1964, and other technical matters.

This will be a matter which will attract a great amount of local press, and I think we will win and that the net result will be gratifying to the public.

We will, of course, need all the help we can get. I had an offer from Herb Kaplan of your office to come down and help out, and if he is still willing to do so, I think an Assistant Attorney General from Chicago would be a nice psychological advantage for us, would develop some publicity, and besides, Mr. Kaplan would be of great help in the trial of the case. I can also arrange to have him do some TV interviews and get some public exposure for the Attorney General while he is here. If he can come, have him give me a call and I'll talk to him about the specifics of the forthcoming trial.

I will need Norris Froelich again. We have gone over his testimony, the last time he was here, and he is prepared to be a most helpful witness. He should make it a point to inspect the premises again before February 16 so that he knows what the current status of the operation is.

I have already notified the regional engineer of the Environmental Protection Agency, Mr. Keith Weeber, who has been cooperative throughout this case and the preceding Montgomery case, and he is supervising and conducting a surveillance of the site by his personnel and the personnel of the Peoria County Health Department, on a regular basis, 3 or 4 times a week, so that we can present the facts to the court as to the present operation of the dump.

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Of course, the present operation will be in compliance with or near compliance with the sanitary land fill requirements of the statute, and I am sure that Mr. Janson is aware that we are watching him every day, and will make a big point of the fact that he is not violating the law now.

That's a prologue to Chapter Two. February 16 is the day. We'll see if we can't close down another dump!

Yours very truly,

John C. Parkhurst
Special Assistant Attorney General

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